Port Pirie Regional Council

DELEGATION MANAGEMENT FRAMEWORK	
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Responsible Officer	Director Corporate & Community
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1. INTRODUCTION

Councils have certain duties which they must perform, and certain powers which they may exercise, pursuant to either section 44 of the Local Government Act 1999, Local Government (Elections) Act, or statutory powers of delegation in other Acts relevant to local government.

It is not practical or efficient for the Council as a body of Elected Members to perform the many delegated functions or undertake the many activities that are required in the day-to-day administration of the Council's roles and functions. Delegations are the way in which the Council enables other people/ bodies (usually Council officers) to undertake these steps on its behalf.

Therefore, it is necessary for the Council to take formal steps to delegate to such people/ bodies the authority to make decisions, perform functions or undertake activities on behalf of the Council.

Port Pirie Regional Council (Council) recognises that managing delegation risks is part of quality governance and leadership that it is fundamental to how the organisation:

a) complies with legislative requirements at all levels; and
b) contributes to the continuous improvement of its management systems.

Once the delegations to the Chief Executive Officer (CEO) have been made, the CEO will, where appropriate, make sub-delegations to the relevant Council officers (or such other bodies as are allowable, such as committees in some cases).

2. PURPOSE

The purpose of the Delegations Management Framework is to outline and establish a system to ensure Council's delegations are appropriately considered and kept up-to-date by:

a) Assisting Council to consider and to grant delegations;
b) Assisting the CEO to consider and to grant sub-delegations;
c) Assisting the CEO to consider and to grant delegations of powers and functions vested directly by legislation to the CEO;
d) Facilitate compliance with the statutory obligation to maintain a record of delegations; and
e) Facilitate the updating of delegations and sub-delegations from time-to-time.

3. SCOPE

All of Council.

4. DELEGATIONS MANAGEMENT FRAMEWORK

The Delegations Management Framework provides processes to enable Council to comply with the following sections of the Local Government Act 1999 (the Act) and is outlined in the Delegations Procedure:

a) Section 44 – Delegations
   NOTE – section 44(3) and 44(3a) of the Local Government Act 1999 indictates the circumstances when delegations cannot be made.
b) Section 101 – Delegation by Chief Executive Officer;

c) Section 262 – Delegation (Behavioural Standards Panel);
d) Section 277 – Delegation by the Minister; and
e) Schedule 2 – Provisions applicable to Subsidiaries. Part 3, section 36 – Delegation

4.1 DELEGATION MANAGEMENT PRINCIPLES

The goal of Council's Delegation Management System is to manage the risks associated with Council's delegation functions and minimise potential negative exposures which could cause legislative compliance issues.

An integrated system	Is an integral part of Council's organisational activities including governance, compliance, accountability, planning and reporting processes.
Part of decision-making	Aids decision-makers to make informed choices and identify the person/s who have delegation to do so.
Structured & comprehensive	Contributes to consistent information and results.
Best available information	Is based on current information, considering any limitations and uncertainties associated with such information and expectations.
Customised	A customised and proportionate to Council's internal and external context related to its objectives, legislative responsibilities and the environments within which Council operates.
Transparent and Inclusive	Requires appropriate and timely involvement of stakeholders to ensure and enable their knowledge, views and perceptions to be considered.
Dynamic, iterative & responsive to change	Anticipates, detects, acknowledges and responds to changes in delegations in an appropriate and timely manner.
Continual improvement of Council's delegation processes	Learning and experience facilitates and drives continuous improvement of our governance processes and legislative compliance.

4.2 LEADERSHIP COMMITMENT

Council and its Executive Management Team (EMT) will demonstrate a clear commitment to managing delegations throughout the organisation by:

a) Developing and implementing a Delegation Policy, system and processes for the identification, endorsement, allocation, recording, monitoring, management and review of delegations;
b) Allocating appropriate resources to implement, monitor and improve the effectiveness of the Delegation Systems and processes;
c) Ensuring that delegates and other identified relevant stakeholders have the appropriate skills and knowledge to deal with delegation risks;
d) Allocating and upholding accountability with respect to delegation management and ensuring it is understood; and
e) Ensuring compliance with legislative (delegation sources) and policy requirements.

4.3 AN INTEGRATED SYSTEM

The Delegations Management Framework and the Local Government Act 1999 (the Act) are the key cornerstones of **Council's Delegation System** (the System).

The key Delegations Management System components are:

a) the Delegations Management Framework;
b) Delegation Management Policy;
c) on-line delegation program (currently ReliansSys);
d) Legislative delegations ;
e) Delegation Registers (including public access via Council website);
f) Delegates - Awareness training;
g) Delegation approval/ endorsement processes (EMT and Council);
h) Monitoring and Reporting of the System components; and
i) Review of all delegations by Council (within 12 months after the conclusion of each periodic election - Section 44(6a) of the Act).

Management of the System is not a stand-alone discipline within Council's strategic management processes. In order to operate effectively and maximise both internal and external benefits and opportunities, the System also requires input and integration from the following seven different sources:

a) Local Government Association of South Australia (LGA SA);
b) Governance Network (LGA SA Governance Professionals Network);
c) Legislation (Delegation Source) provided by and/ or sourced from the Legislation SA website, Reliansys alerts and lawyers;
d) Council's Training Needs Analysis (TNA);
e) Input from EMT and Members of Council *(Council meetings)*;
f) Audit and Risk Management Committee (oversight); and
g) Risk Management Register.

4.4 ANNUAL OR OTHER LEAVE

Delegations made to a position is ideal although there may be circumstances where Council or the CEO may decide a delegation may be appropriate to a person or committee.

During periods of absence the Chief Executive Officer, or responsible Director, will determine if another Officer is to fill that position in an acting capacity. Where an Officer is appointed to an acting position the Director will authorise, on the Higher Duties Form with People and Culture, what delegations will be included with the appointment, and any conditions.

4.5 REQUIREMENT TO REVIEW DELEGATIONS

Councils must keep a separate register of delegations and should review their delegations at least once in every Council term (4 years), ideally within 12 months after the conclusion of each periodic election (in accordance with Section 44(6a) of the Local Government Act 1999).

Additional circumstances where a delegation review and report to the Executive Management Team and/ or Council is required are:

a) The creation of a new Policy or the review of an existing Policy (which may give rise to the requirement for reviewing Council's delegations); and
b) RelianSys delegation updates provided after changes to legislation.

The Governance and Risk Coordinator is responsible for:

a) Making recommendation to Council or the CEO that the above delegation reviews happen (depending upon the situation); and
b) Assessing the RelianSys delegation updates and either, to arrange for new/amended delegations to be proposed to Council at its next meeting or, decide that the update is not urgent and can be done at a broader review.

5. DOCUMENT REVIEW

Document Review, which may give rise to review of a related delegation, will occur in accordance with the Strategic Policy Review Schedule and/ or when material changes to this document are required due to one or more of the following:

a) change in relevant legislation;
b) change in related documents;
c) new information, requirement or commitment;
d) change to intent;
e) change to delegated authorities; or
f) as the CEO or relevant Director determines.

6. FURTHER INFORMATION

The Delegations Management Framework is available for review in SkyTrust

7. DOCUMENT HISTORY

Version No.	Date Approved	Minute Reference	Notes/ changes
V1.0	07/04/2014	*EMT 07/04/2014*	New Document
	07/03/2016		Unknown changes
	14/09/2019		Unknown changes
V2.0	27/08/2024	*OMC 212/25*	This Framework document is reformatted to align with Council's Risk Management Framework and Strategic Policy Management Framework. Added: related documents: Delegations Policy & Procedure, LGA Delegations Framework Briefing Paper ECM 717020 dated 5/9/2020, Procurement Thresholds Delegation Policy, & the Risk Management Framework; Index of Contents; Purpose section – added dot-points a) to e); Section 4 – dot-points a) to e); Section 4.1 Delegation Management Principles; Section 4.2 Leadership Commitment; Section 4.3 An Integrated System; Section 5 Document review; Section 6 Further Information; Section 7 Document History; Appendix 1 Definitions. Updated: File Reference to Altus 2024.1370; Changed Title: Background to Introduction

Appendix 1 – Definitions

***Delegate** (the action)*

means the action of providing approval to a specific person (or job title, or committee) the legal function of performing the defined powers, functions, and duties of an instrument of legislation

***Delegate** (the person)*
means the person to whom legislated or organisationally defined powers, functions, and duties apply

Delegation Source

means the legislation or other source from which the Delegation originates (e.g. “Food Act”)

Instrument

means a document made up of Provisions.

There are two kinds of Instruments: Subscribed Instruments and Internal Instruments.

Subscribed Instruments are maintained and updated by ReliantSys.

Internal Instruments are sourced, entered, maintained, and updated by PPRS Internal Instruments are sourced, entered, maintained, and updated by Council’s designated ReliantSys Administrators

Monitor

means to check, observe critically or record the progress of an activity, action or system on a regular basis in order to identify change and compliance with the requirements being monitored

Provision

means when referring to ‘delegations’ - a delegated power, function or duty.

A Provision will comprise the following elements: name, thing delegated, delegate, conditions & limitations, and delegation source

Stakeholder

means a person or organisation that can affect, be affected by, or perceive themselves to be affected by, a decision or activity.